

# Planning Report

Thursday, November 5, 2015

## Zoning Code Amendment

### Case Summary

Agenda Item	4
Case Number	15-104ADMC
Proposal	Amendments to Zoning Code Sections 153.002 Definitions and 153.028, Community Commercial (CC) District of the Dublin Code of Ordinances to permit business training as a permitted use.
Request	Review and recommendation of approval to City Council of a Zoning Code amendment under the provisions of Section 153.234.
Applicant	Chris Bradley, Nationwide Realty Investors, represented by Matthew Cull, Kephart Fisher LLC
Planning Contact	Claudia D. Husak, AICP, Planner II.
Contact Information	(614) 410-4675, <a href="mailto:chusak@dublin.oh.us">chusak@dublin.oh.us</a>
Planning Recommendation	<b><i>Recommendation of approval to City Council.</i></b> The proposed modification to the Zoning Code for the Community Commercial District is appropriate and provides for a use that is of value to Dublin's business community. Planning recommends that the Planning and Zoning Commission recommend approval of this amendment to City Council.

Facts	Zoning Code Amendment
Case Summary	<p>This is a request by the applicants for review and recommendation of approval to City Council to amend a portion of the Zoning Code to provide for a new use in the Community Commercial (CC) District for "Educational Facility – Business Training."</p>
Background	<p>The Community Commercial (CC) District was most recently updated in 2009 to address tutoring uses and daycare facilities in the conditional uses section of the district. Prior to that, the district was amended to add pet care services and fitness related uses. There are currently eight parcels within the City zoned CC and several Planned Unit Development texts refer to this district for permitted uses.</p> <p>The CC district is one of the original standard zoning districts and to this day largely relies on the antiquated SIC system for use classifications. Planning has, in recent years, made several Code amendments pertaining to permitted and conditional uses without reference to SIC Codes. The largest such update included use tables for the Bridge Street District and a complete overhaul of the use definitions.</p> <p>The applicant approached Planning with a request for an office tenant that also trains employees on equipment to be located in an office building zoned CC. Planning determined that there was no use permitted in CC that includes employee training. The educational uses permitted in the CC district are limited to tutoring and daycare.</p>

Details	Zoning Code Amendment
Process	<p>Code Section 153.232(B)(9) provides the Planning and Zoning Commission with "other powers and duties" which includes making recommendations to City Council for amendments to the Zoning Code. The Commission should review the modifications, provide input, and vote on the changes. The proposed amendment will be forwarded to City Council for its consideration. The following sections summarize the major components and considerations of each section of the zoning regulations proposed for the amendment.</p>
153.002 Definitions	<p>Most uses provided for in the Zoning Code have specific definitions, as contained in Section 153.002, (A) Uses Definitions. Given the range of potential interpretations for the proposed use, an addition to the definition for <i>Educational Facility</i> is necessary. Planning and the applicant agree that adding the 'employee' to the definition provides an additional option for training and education and will therefore cover the intended use.</p>

Details		Zoning Code Amendment
153.028 (A) Permitted Uses	The applicant has requested the <i>Educational Facility – Business Training</i> under the Business Services category of the permitted administrative, business and professional offices section of the CC District. Planning has determined this approach as appropriate as it will affect few sites within the City and can potentially add an opportunity for additional combined office and training uses.	
Analysis		Zoning Code Amendment
Review Considerations	The Zoning Code does not provide for specific review standards for Zoning Code text amendments. However, there are certain considerations that are appropriate when considering an application for these amendments. These are provided below, along with relevant analysis. The Commission is not limited to these considerations, and may choose to give each its own weight as part of the deliberations for a recommendation to City Council.	
<i>Intent and Purpose</i>	<p><i>Whether the amendment is consistent with the intent and purpose of this Chapter and the Community Plan.</i></p> <p><b>Guideline Met</b></p> <p>One of the components of the CC District is a broad range of commercial uses with a focus on retail and office. This use provides a service used by employers and is appropriate use in this district. Even though this applicant is providing training to employees as they relate to automobiles, the proposed language does not limit the type of training provided.</p>	
<i>Error or Omission</i>	<p><i>Whether the change is the result of an error or omission in the original text.</i></p> <p><b>Guideline Met.</b></p> <p>Given the age of the Code, it is difficult to know the considerations that first went into determining which uses would be addressed in the Code and in what districts they would be placed. The use of the antiquated system of SIC classifications complicates any discussion of uses within the Code, particularly given their degree of specificity.</p>	
<i>Area Effects</i>	<p><i>The potential effects on areas that are most likely to be directly affected by the change.</i></p> <p><b>Guideline Met.</b></p> <p>The proposed amendment does not include any use that would affect the exterior of a building or site and the use can be accommodated within the confines of the existing buildings in the CC District.</p>	
<i>Creation of Nonconformities</i>	<p><i>Whether the change might result in the creation of significant nonconformities on properties in the city.</i></p> <p><b>Not Applicable</b></p>	

Recommendation	Approval
Approval	<p>The proposed modification to the Zoning Code for the Community Commercial District is appropriate and provides for a use that is of value to Dublin's business community and workforce development, and therefore the residents as the City will be able to attract an additional employment market. Planning recommends that the Planning and Zoning Commission recommend approval of this amendment to City Council.</p>